

# **EXHIBIT A**

SUSAN HALL

09/21/2017

The Estate of Robert M. Adelman

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2 IN THE CIRCUIT COURT OF THE 11TH JUDICIAL  
3 CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
4 PROBATE DIVISION

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5 IN RE: THE ESTATE OF ROBERT M. ADELMAN  
6 CASE NO. 2016-001314-CP-02

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8 -----X

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10 DATE: September 21, 2017

11 TIME: 10:34 a.m.

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13 DEPOSITION of SUSAN HALL, taken  
14 by the Attorneys for the Estate of Robert  
15 Adelman, pursuant to a Discovery  
16 Proceeding, held at the offices of Carr,  
17 200 Park Avenue, New York, New York 10166,  
18 before Diane Buchanan, a Notary Public of  
19 the State of New York.

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<p style="text-align: right;">Page 2</p> <p>1 2 A P P E A R A N C E S : 3 4 GRAY ROBINSON, P.A. Attorney for SAMANTHA REAY, PERSONAL 5 REPRESENTATIVE OF THE ESTATE OF ROBERT ADELMAN 6 333 S.E. Second Avenue, Suite 3200 Miami, Florida 33131 7 BY: KAREN L. STETSON, ESQ. Florida Bar #: 742937 Karen.stetson@gray-robinson.com 8 9 10 11 TABLES LAW GROUP, P.A. Attorneys for SAMANTHA REAY, PERSONAL 12 REPRESENTATIVE OF THE ESTATE OF ROBERT ADELMAN 13 2600 SW 3rd Avenue, Suite 350 Miami, Florida 33129 BY: RYAN TABLES, ESQ. 14 Florida Bar #: 57599 rtables@gmail.com 15 16 * * * 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">2</p>	<p style="text-align: right;">Page 4</p> <p>1 S. HALL 2 Q. It was a car accident case? 3 A. Not car because it was a 4 physical. 5 Q. Automobile, whatever. It was 6 an accident case, right? 7 A. Yes. 8 Q. All right. So I just wanted 9 to, before we start, just give you a few 10 sort of rules of how this is being 11 conducted. You need to answer my questions 12 to the best of your ability. You 13 understand that? 14 A. Yes. 15 Q. Okay. And you need to answer 16 all questions verbally -- 17 A. Yes. 18 Q. -- audibly for the benefit of 19 the court reporter instead. You can't just 20 shake your head or whatever. 21 A. Yes. 22 Q. So when we ask questions you 23 need to answer verbally. And if you don't 24 understand my question, you can ask me to 25 clarify some aspect of the question that</p> <p style="text-align: center;">4</p>
<p style="text-align: right;">Page 3</p> <p>1 S. HALL 2 S U S A N H A L L , called as a witness, 3 having been first duly sworn by a Notary 4 Public of the State of New York, was 5 examined and testified as follows: 6 EXAMINATION BY 7 MS. STETSON: 8 Q. Please state your name and 9 address? 10 A. Susan Hall, 115 East 34th 11 Street, Number 844, New York, New York 12 10016. 13 Q. Now, have you ever had your 14 deposition taken before? 15 A. Yes. 16 Q. When was that? 17 A. 19 -- gosh, somewhere in the 18 mid-'90s. 19 Q. And just the one time before? 20 A. Yes. 21 Q. And was that in connection with 22 a litigation, a lawsuit? 23 A. Yes. 24 Q. What was that lawsuit about? 25 A. I had been run over by a truck.</p> <p style="text-align: center;">3</p>	<p style="text-align: right;">Page 5</p> <p>1 S. HALL 2 you don't understand. But if you do 3 understand the question, you need to answer 4 it fully to the best of your knowledge. If 5 you don't know the answer, we don't want 6 you to guess, we don't want you to 7 speculate. You are at all times free to 8 indicate you don't know the answer to a 9 particular question. You understand that? 10 A. Yes. 11 Q. Now, you understand what the 12 purpose of today's deposition is? 13 A. Well, it's never been quite 14 stated, but I believe this has to do with 15 my assertion that I hold joint copyrights 16 with the deceased in six properties. 17 Q. Okay, so let's start with that: 18 What are the six properties that you claim 19 to hold joint copyright? 20 A. On and Off the Street Down 21 Home, Gentlemen of Leisure, Ladies of the 22 Night, Street Smart and Out of Left Field. 23 Q. Gentlemen of Leisure, Street 24 Smart, Ladies of the Night and what was the 25 last one?</p> <p style="text-align: center;">5</p>

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<p style="text-align: right;">Page 54</p> <p>1 S. HALL</p> <p>2 photographs if they wanted to?</p> <p>3 A. No.</p> <p>4 Q. Why not?</p> <p>5 A. They weren't given those</p> <p>6 rights.</p> <p>7 Q. I just asked you: These option</p> <p>8 agreements, were they prohibited from using</p> <p>9 the photographs?</p> <p>10 A. I don't believe they were</p> <p>11 prohibited.</p> <p>12 Q. So, again, do you say they</p> <p>13 couldn't use it?</p> <p>14 A. I'm sorry, I'm not really -- I</p> <p>15 think step by step I was approached to</p> <p>16 provide the story I was going to work on</p> <p>17 and did some work for the Dino De</p> <p>18 Laurentiis, I did some work on the Max</p> <p>19 Palevsky and I always worked with Woodie</p> <p>20 King. And it was a story and nobody wanted</p> <p>21 to put those photographs up in the film.</p> <p>22 But how that would have worked, I don't</p> <p>23 know. Everybody is terrified of Bob they</p> <p>24 probably would have gotten a second</p> <p>25 agreement or something.</p> <p style="text-align: center;">54</p>	<p style="text-align: right;">Page 56</p> <p>1 S. HALL</p> <p>2 circumstances under which -- because it was</p> <p>3 very fuzzy to me the circumstances under</p> <p>4 which you first became aware that Bob did</p> <p>5 not agree with your position on joint</p> <p>6 ownership, all right.</p> <p>7 Now, how did you become aware</p> <p>8 of that? Was that, I think you said</p> <p>9 that -- I'm trying to pin this down a</p> <p>10 little bit. Was it in connection with</p> <p>11 receiving one of these film options or was</p> <p>12 there a particular deal or a publication or</p> <p>13 something that happened that kind of, you</p> <p>14 know, brought it to light?</p> <p>15 A. I decided that I wanted to</p> <p>16 clear the relationship up.</p> <p>17 Q. Was it unclear at that point?</p> <p>18 A. I felt it was unclear. I</p> <p>19 cannot tell you what the precipitating</p> <p>20 event was.</p> <p>21 Q. So sometime in the early '90s</p> <p>22 you took it upon yourself to try to get</p> <p>23 clarity and that was with respect to all of</p> <p>24 the books at issue, right, all six or</p> <p>25 whatever, right?</p> <p style="text-align: center;">56</p>
<p style="text-align: right;">Page 55</p> <p>1 S. HALL</p> <p>2 Q. Just hypothetically if these</p> <p>3 agreements provided for the use of the</p> <p>4 books, let's just say these agreements said</p> <p>5 we get to use these books --</p> <p>6 A. They get to use the story.</p> <p>7 Q. I'm talking, okay.</p> <p>8 Let's say these agreements</p> <p>9 which we don't have in front of us provide</p> <p>10 for the use of the books, that that's what</p> <p>11 they say and that they don't specify text</p> <p>12 only, photos only.</p> <p>13 Then would you agree with me</p> <p>14 that they would then have the right to use</p> <p>15 whichever they wanted regardless of</p> <p>16 whatever your understanding might be of</p> <p>17 what they intended to do, pointing about if</p> <p>18 the agreement gave them the right to use</p> <p>19 the book, they could use all parts of the</p> <p>20 book unless the agreement said otherwise?</p> <p>21 Isn't that true or you don't really know</p> <p>22 because you are not a lawyer?</p> <p>23 A. I don't really know.</p> <p>24 Q. Okay, fair enough.</p> <p>25 Let's go back to the</p> <p style="text-align: center;">55</p>	<p style="text-align: right;">Page 57</p> <p>1 S. HALL</p> <p>2 At that point in time you felt</p> <p>3 there was a lack of clarity in the</p> <p>4 relationship, in the legal relationship if</p> <p>5 you will, and specifically with regard to</p> <p>6 the copyright or more than just the</p> <p>7 copyrights?</p> <p>8 A. It was focused on the</p> <p>9 copyright.</p> <p>10 Q. So at that point recognizing</p> <p>11 there was a lack of clarity and wanting to</p> <p>12 get clarity, you what, approached Bob about</p> <p>13 the copyrights; how did you go about that?</p> <p>14 A. I hired a lawyer. And the</p> <p>15 small claims is the end of that process,</p> <p>16 not the beginning.</p> <p>17 Q. We will get to that, okay.</p> <p>18 So you hired a lawyer because,</p> <p>19 you know, you recognized there was a lack</p> <p>20 of clarity and wanted to get it cleared up?</p> <p>21 A. I also was somewhat unclear and</p> <p>22 I wanted to have -- as I have done in the</p> <p>23 past year, I wanted to have -- really</p> <p>24 understand why what I thought I understood</p> <p>25 but was battered down on was really the</p> <p style="text-align: center;">57</p>

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1 S. HALL

2 legal, the legal matter.

3 Q. So at that time, what lawyer

4 did you hire?

5 A. Judith Gobim, G-O-B-I-M. She

6 was at Patterson Belknap.

7 Q. You made reference to the small

8 claims matter. Did you have counsel

9 represent you for the small claims matter?

10 A. Judith and I -- they negotiated

11 for a year and a half. I didn't negotiate;

12 Judith did.

13 Q. What was she trying to

14 negotiate on your behalf with Bob?

15 A. To clear up the joint

16 copyright, which she examined the records

17 on and thought was clear.

18 Q. And Bob didn't agree with that?

19 A. No.

20 Q. Was Bob represented by counsel

21 during those representations?

22 A. God only knows. His

23 relationship with John Horan is a hornet's

24 nest.

25 Q. All right. Well, you can only

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1 S. HALL

2 answer what you do know.

3 My question is: During

4 this -- I'm sorry, again, did you say

5 Judith Gobim negotiated with Bob over a

6 two-year period?

7 A. Yes.

8 Q. And during that two-year

9 period, as far as know, Judith dealt

10 directly with Bob in the negotiations or do

11 you not know one way or the other?

12 A. I don't know.

13 Q. That's fine. So either she

14 negotiated with Bob directly or a

15 representative of his, correct?

16 A. Probably John, yes.

17 Q. Can you tell me anything about

18 those negotiations what anybody offered to

19 do or were trying to do?

20 A. I know what we offered at the

21 end because I saw papers on it. We thought

22 it was brilliant to divide the properties

23 entirely so that we wouldn't have to deal

24 with each other at all anymore.

25 Q. Can you tell me what you mean

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1 S. HALL

2 by "divide the properties"?

3 A. I would take the entire

4 copyright, and I think I asked for

5 Gentlemen of Leisure and Out of Left Field,

6 and gave him Down Home and Ladies of the

7 Night. And the two children's books, we

8 just split. Street Smart and On and Off

9 the Street are children's books.

10 Q. When you say "split," in other

11 words, each take one?

12 A. Yes.

13 Q. So basically you would each end

14 up with full copyright of three books,

15 three books?

16 A. Yes.

17 Q. And I assume that Bob and/or

18 his representative did not agree with that?

19 A. Bob didn't agree with anything

20 ever.

21 Q. But, I mean, this proposal Bob

22 didn't agree to?

23 A. It was the last one before we

24 started to go to small claims, yes.

25 Q. This proposal, I want to stick

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1 S. HALL

2 on this proposal, do you know what Bob's

3 objection was to this proposal or any of

4 the proposals that you made?

5 A. Bob I believe -- and I hadn't

6 talked to him for 25 years before except

7 two or three words before he died. But

8 prior to that when I was working with him

9 and we had somewhat of a civilized

10 interface, Bob really deeply felt that

11 these were his photographs and that was

12 very clear. And he wasn't to divide -- to

13 divide the books would have been to

14 alienate him from something he cared very

15 much about irregardless of, you know, what

16 was right or agreed or anything else. And

17 I did see that.

18 Q. All right. So his position and

19 I guess you're saying that it was --

20 A. -- emotional.

21 Q. It was an unfailing and

22 consistent position, if you will, that the

23 photographs were his and he wanted to be

24 the only one to make decisions about

25 selling the photos, displaying the photos,

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<p style="text-align: right;">Page 62</p> <p>1 S. HALL</p> <p>2 how they were used, et cetera?</p> <p>3 A. Making money on the photos.</p> <p>4 Q. He wanted to be in charge of</p> <p>5 the photos for whatever purpose, right?</p> <p>6 A. Yes.</p> <p>7 Q. So that lasted over a two-year</p> <p>8 period in the early '90s and I think you</p> <p>9 said it culminated -- I don't intend to put</p> <p>10 words in your mouth, it culminated then in</p> <p>11 the small claims suit; is that correct?</p> <p>12 A. It didn't -- I mean, culminate</p> <p>13 I think is the wrong word. Do you want to</p> <p>14 pick another one?</p> <p>15 Q. Sure. It led to it?</p> <p>16 A. We gave up negotiating because</p> <p>17 you don't negotiate with Bob.</p> <p>18 Q. Your negotiations failed, you</p> <p>19 already indicated was Bob's doing that.</p> <p>20 They failed because you were willing to do</p> <p>21 X, he didn't want to do that. All right,</p> <p>22 that's fine. Then you decided to proceed</p> <p>23 with a lawsuit; is that right?</p> <p>24 A. Judith suggested was the simple</p> <p>25 way to do is go after it item by item in</p> <p style="text-align: center;">62</p>	<p style="text-align: right;">Page 64</p> <p>1 S. HALL</p> <p>2 likely sort of first candidate because your</p> <p>3 lawyer had evidence of him actually using</p> <p>4 the photos separate and apart from the</p> <p>5 book, correct?</p> <p>6 A. Yes.</p> <p>7 Q. I have to keep doing that</p> <p>8 because she has to get it down.</p> <p>9 A. All right.</p> <p>10 Q. But she didn't file it for you,</p> <p>11 you weren't represented by a lawyer?</p> <p>12 A. No, I was on my own. We</p> <p>13 stopped. I spent more money than I had</p> <p>14 already.</p> <p>15 Q. Okay. So you decided to go on</p> <p>16 your own and file a small claims action?</p> <p>17 A. She suggested it.</p> <p>18 Q. I understand. And who actually</p> <p>19 drafted the papers?</p> <p>20 A. I did it.</p> <p>21 Q. I don't have the actual</p> <p>22 complaints. Do you have that?</p> <p>23 A. I can get it, if you want me</p> <p>24 to.</p> <p>25 Q. Was it handwritten?</p> <p style="text-align: center;">64</p>
<p style="text-align: right;">Page 63</p> <p>1 S. HALL</p> <p>2 small claims as a contract issue.</p> <p>3 Q. Is that what you proceeded to</p> <p>4 do?</p> <p>5 A. Yes.</p> <p>6 Q. And did you file more than one</p> <p>7 small claims action since you were --</p> <p>8 A. I don't think so.</p> <p>9 Q. I have to get the question out.</p> <p>10 Since your plan was to do it</p> <p>11 book by book, did you file a lawsuit as to</p> <p>12 each book?</p> <p>13 A. No.</p> <p>14 Q. So what did you do?</p> <p>15 A. We started with a case that</p> <p>16 Judith had papers on from Macmillan where</p> <p>17 Bob used photographs where we had a joint</p> <p>18 copyright in on a book that was never</p> <p>19 published because Bob was fighting with</p> <p>20 Macmillan. He got \$40,000. We had all of</p> <p>21 the papers.</p> <p>22 Q. Was that a book he was doing</p> <p>23 with Ann Beattie.</p> <p>24 A. Yes.</p> <p>25 Q. So that one seemed like the</p> <p style="text-align: center;">63</p>	<p style="text-align: right;">Page 65</p> <p>1 S. HALL</p> <p>2 A. I have no idea.</p> <p>3 Q. You don't recall?</p> <p>4 A. I don't recall.</p> <p>5 Q. But you do recall you were the</p> <p>6 one that actually prepared the complaints</p> <p>7 as opposed to your lawyer?</p> <p>8 A. I am quite sure.</p> <p>9 Q. What was the outcome of that</p> <p>10 case?</p> <p>11 A. John came into that case,</p> <p>12 Horan, and I mean he -- I remember him</p> <p>13 coming to court and they persuaded the</p> <p>14 judge that it was a federal matter and not</p> <p>15 a contract matter. And I was exhausted.</p> <p>16 Q. The judge agreed --</p> <p>17 A. The judge agreed with them,</p> <p>18 yes.</p> <p>19 Q. -- that it was a federal</p> <p>20 matter?</p> <p>21 A. Yes.</p> <p>22 Q. And then once that occurred,</p> <p>23 did you file anything in federal court</p> <p>24 after that?</p> <p>25 A. No.</p> <p style="text-align: center;">65</p>



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<p style="text-align: right;">Page 66</p> <p>1 S. HALL</p> <p>2 Q. What was the reason?</p> <p>3 A. I had no money left. I spent</p> <p>4 it all on the lawyers for two years. And</p> <p>5 I -- you know, with Bob also, I mean, he's</p> <p>6 never going settle, that became very clear.</p> <p>7 And endless litigation in federal court was</p> <p>8 not something I looked forward to.</p> <p>9 MS. STETSON: I would like to</p> <p>10 take a two-minute break.</p> <p>11 (Whereupon, a luncheon recess</p> <p>12 was taken from 12:10 p.m. to 1:09</p> <p>13 p.m.)</p> <p>14 MS. STETSON: For the record,</p> <p>15 we took a break during which Ms. Hall</p> <p>16 went through a bunch of documents</p> <p>17 that she brought with her today to</p> <p>18 determine if there were any documents</p> <p>19 in addition to those that were</p> <p>20 previously produced in this case that</p> <p>21 she intends to use at the evidentiary</p> <p>22 hearing. And she has produced</p> <p>23 several pages, which we will have</p> <p>24 copied and appended for purposes of</p> <p>25 identification as Estate Exhibit 1.</p> <p style="text-align: center;">66</p>	<p style="text-align: right;">Page 68</p> <p>1 S. HALL</p> <p>2 public records of the copyright office.</p> <p>3 And what is the significance of this</p> <p>4 document as far as you are concerned?</p> <p>5 A. All of our copyrights were</p> <p>6 taken out prior to the period when this</p> <p>7 copyright was taken out. In other words,</p> <p>8 they are not online, you can't find them</p> <p>9 there. You have to go to the Library of</p> <p>10 Congress. I think it's worth investigating</p> <p>11 why Bob took out a copyright notice on the</p> <p>12 book Gentlemen of Leisure in his name</p> <p>13 alone, period.</p> <p>14 Q. So this indicates that</p> <p>15 Mr. Adelman had a registration in his name</p> <p>16 only for Gentlemen of Leisure, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Now, you mentioned just now</p> <p>19 that this exhibit that we were just talking</p> <p>20 about for Gentlemen of Leisure was after</p> <p>21 the other copyrights had already been</p> <p>22 registered, is that what you are saying?</p> <p>23 A. Right.</p> <p>24 Q. With regard to the six books at</p> <p>25 issue, who actually, you know, did those</p> <p style="text-align: center;">68</p>
<p style="text-align: right;">Page 67</p> <p>1 S. HALL</p> <p>2 It's a composite exhibit that exhibit</p> <p>3 is five pages.</p> <p>4 (Estate Exhibit 1, Five-page</p> <p>5 composite Document marked for</p> <p>6 identification, as of this date.)</p> <p>7 Q. Do you have an objection to my</p> <p>8 putting a sticker on it?</p> <p>9 A. If you don't mind, what is on</p> <p>10 the back of it?</p> <p>11 It's not personal, so I don't</p> <p>12 care.</p> <p>13 Q. So let's just talk about a</p> <p>14 these additional documents you produced.</p> <p>15 And, by the way, based on all</p> <p>16 of our conversations and our agreement,</p> <p>17 et cetera, at this juncture any additional</p> <p>18 evidence, documentary evidence, that you</p> <p>19 attempt to put on at the evidentiary</p> <p>20 hearing that you have not provided us at</p> <p>21 this point, we will object to. You</p> <p>22 understand that, correct?</p> <p>23 A. Yes.</p> <p>24 Q. Now, looking at the first page,</p> <p>25 this appears to be a printout from the</p> <p style="text-align: center;">67</p>	<p style="text-align: right;">Page 69</p> <p>1 S. HALL</p> <p>2 registrations; who actually filled out the</p> <p>3 applications, if you know?</p> <p>4 A. To the best of my recollection,</p> <p>5 and if you look at it you can see my</p> <p>6 handwriting, Viking Press did. I did</p> <p>7 Street Smart, Gentlemen of Leisure, Down</p> <p>8 Home, Ladies of the Night. And Two</p> <p>9 Continents did Out of Left Field. That's</p> <p>10 to the best of my recollection.</p> <p>11 Q. Two Continents did Left Field?</p> <p>12 A. Yes.</p> <p>13 Q. With regard to the</p> <p>14 registrations that you prepared, did you at</p> <p>15 any time show Mr. Adelman those</p> <p>16 applications?</p> <p>17 A. Yes.</p> <p>18 Q. Did he sign off on those</p> <p>19 applications?</p> <p>20 A. Yes.</p> <p>21 Q. Did he actually sign them?</p> <p>22 A. No, but he said he knew I was</p> <p>23 doing it and that was my job.</p> <p>24 Q. And with regard to Viking Press</p> <p>25 and Two Continents, do you know whether he</p> <p style="text-align: center;">69</p>